Docket No.: 4590-506 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Jean-Michel Hode : Confirmation No. 9147

U.S. Patent Application No. 10/574,291 : Group Art Unit: Not Yet Known

Filed: March 31, 2006 : Examiner: Not Yet Known

For: GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED

HISTOGRAM

RENEWED PETITION UNDER 37 CFR 1.81 AND RECONSIDERATION OF HOLDING OF ABANDONMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This document is submitted in response to the Decision on Petition Under 37 CFR 1.181 dated November 18, 2008 and the Notification of Abandonment dated July 30, 2007, which was improperly issued. The Notification states that the Applicant failed to respond to the Notification of Missing Requirements mailed November 13, 2006. However, Applicant filed a Response to Notice to File Missing Parts on November 22, 2006 via facsimile. Therefore, Applicant respectfully resubmits a true copy of the facsimile transmission of the Response to Notice to File Missing Parts, along with a true copy of the Auto-Reply Transmission from the USPTO as evidence that it was timely filed and received by the USPTO on November 22, 2006. As shown, the statutory fee of \$130.00 was paid by credit card with the original Submission.

Also enclosed is a confirming statement from Candance Chambliss, the person who signed the Certificate of Transmission.

Applicant respectfully requests that the Holding of Abandonment be withdrawn and the application be reopened for prosecution.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

Kenneth M. Berner

Registration No. 37,093

Genneth M. Berner

1700 Diagonal Road, Suite 300 Alexandria, Virginia 22314 (703) 684-1111 (703) 518-5499 Facsimile

Date: January 16, 2009

KMB/cac

Docket No.: 4590-506 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jean-Michel Hode : Confirmation No. 9147

U.S. Patent Application No. 10/574,291 : Group Art Unit: Not Yet Known

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HISTOGRAM

STATEMENT OF CANDANCE CHAMBLISS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

- I, Candance Chambliss, attest the following:
- I am an assistant to Kenneth M, Berner, Attorney of Record;
- 2. In my review of the file jacket records, the records indicate that the Notice to File Missing Parts was received in our office on November 14, 2006; and
- 3. On November 22, 2006, I prepared and filed a Response to the Notice to File Missing Parts dated November 13, 2006 with the US Patent and Trademark Office via facsimile (7 pages) including a Response to Notice Filing Parts, Credit Card PTO-2038 Form, copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) and Declaration/Power of Attorney (copy enclosed). On November 22, 2006, we received a Fax Tx Report stating the fax transmission was ok (copy enclosed). On November 22, 2006, an Auto-Reply Facsimile Transmission was received from the USPTO stating that seven pages were received on November 22, 2006 at 12:59:20 PM (Eastern Standard Time) (copy enclosed).

I hereby declare that all statements made herein by my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: January 16, 2009

Candance Chambliss

LOWE, HAUPTMAN & BERNER Auto-Reply Facsimile Transmission



TO:

Fax Sender at 70/351/8

Fax Information Date Received: Total Pages:

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7 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seg.

Received Cover Page

PATENT

Docket No.: 4590-506

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jean-Michel HODE

Confirmation No. 9147

U.S. Patent Application No. 10/574,291

Group Art Unit: n/a

Filed: March 31, 2006

Examiner: n/a

GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED

HISTOGRAM

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop Missing Parts Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

This is in response to the Notice of Missing Parts of Application dated November 13. 2006, the period for response to which is set to expire on January 13, 2007. Submitted herewith are the following:

- Executed Declaration and Power of Attorney;
- Late Declaration Surcharge: \$130.00 and
- Copy of Notice to File Missing Parts

Attached hereto is a credit card payment form in the amount of \$130.00, which covers the fees for the above listed items. Please charge any deficiencies in the enclosed fees to Deposit Account 07-1337 and direct any inquiries in connection with this application directly to the undersigned.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

noth M. Berner

1700 Diagonal Road, Suite 310 Alexandria, Virginia 22314 (703) 684-1111 KMB/ca Facsimile: (703) 518-5499 November 22, 2006

* FAX TX REPORT *** *************



TRANSMISSION OK

JOB NO.

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DESTINATION ADDRESS

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Docket No.: 4590-506

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jean-Michel HODE

Confirmation No. 9147

U.S. Patent Application No. 10/574,291

Group Art Unit: n/a

Filed: March 31, 2006

: Examiner: n/a

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LOWE HAUPTMAN & BERNER, LLP

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Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

Kenneth M. Berner

Registration No. 37,093

1700 Diagonal Road, Suite 310

Alexandria, Virginia 22314

(703) 684-1111 KMB/cac Facsimile: (703) 518-5499

November 22, 2006

CERTIFICATION OF FACSIMILE TRANSMISSION I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE

ON THE DATE SHOWN BELOW

PE OR PRINT NAME OF PERSON SIGNING

SIGNATURE

PTO-2038 (02-2000)

Ap ____ ad for use through 01/21/2003. ONE 0657 5043

United States Patent and Traden.* . Office; U.S. Dep Art Man OF Communication unless in figure 1. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays

United States Patent & Trademark Office **Credit Card Payment Form**

Please Read Instructions before Completing this Form

Credit Card Information					
Credit Card type:	☐ Visa	☐ Mastercard		☐ Discover	
Credit Card Account #:	3715 791450 9100	9			
Credit Card Expiration	Date: 07/2010				
Name as it Appears on	Credit Card: Kenn	eth M. Berner			
Payment Amount \$ (US	6 Dollars): 130.00)			
Signature: Xenno	CR M. Bern	Date: Nove	mber 22, 2006		
requested, and will not notify to account.	the payor of such amour	nt (37 CFR 1.26). Refu	that required. A change of purpose after of twenty-five dollars or less unless a nd of a fee paid by credit card will be vi- nt refused (including a check returned	refund is specifically a credit to a credit	
	Cred	it Card Billin	g Address		
Street Address 1: 5331	Strathmore Avenu	e			
Street Address 2:					
City: Kensington					
State: Maryland Zip/P		Zip/Postal C	Postal Code: 20895		
Country: USA					
Daytime Phone #: 703-5 3	35-7054	Fax #: 703-5	18-5499		
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0/574,291	Application No. 10/574,291	Docket	No. IDON Cus	stomer No.	
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If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.



United States Patent and Trademark Office

DUE DATE: 1-13-0



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandra, Viginia 22313-1450

	www.mapto.gov			
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY	. DOCKET NO.	
10/574,291	Jean-Michel Hode	4590506		
	Γ	INTERNATIONAL API	PLICATION NO.	
	·		PCT/EP04/52368	
33308		I.A. FILING DATE	PRIORITY DATE	
LOWE HAUPTMAN GILMAN & BERNER, LL 1700 DIAGNOSTIC ROAD, SUITE 300	-P	09/30/2004	10/03/2003	
ALEXANDRIA, VA 22314	1	CONFIRM	ATION NO. 9147	
DOCKETEL		371 FORMALITIES L		

Date Mailed: 11/13/2006

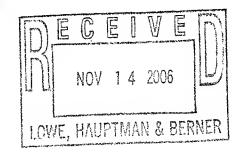
NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/31/2006
- Copy of the International Search Report filed on 03/31/2006

Missing

- Preliminary Amendments filed on 03/31/2006
- Information Disclosure Statements filed on 03/31/2006
- U.S. Basic National Fees filed on 03/31/2006
- Assignment filed on 03/31/2006
- Priority Documents filed on 03/31/2006
- Specification filed on 03/31/2006
- Claims filed on 03/31/2006
- Abstracts filed on 03/31/2006
- Drawings filed on 03/31/2006



OC000000021191827

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath
 or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the
 missing items identified in this letter:

SUMMARY OF FEES DUE:



Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web. https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.
10/574,291	PCT/EP04/52368	4590506

FORM PCT/DO/EO/905 (371 Formalities Notice)



Declaration for Patent Application Déclaration pour Demande de Brevet

French Language Declaration

En f	tant l'inventeur nommé ci-après, je déclare par le ent acte que:	As a below-named inventor, I hereby declare that:
Mon ceux	domicile, mon adresse postale et ma nationalité sont figurant ci-dessous à côté de mon nom.	My residence, mailing address and citizenship are as stated next to my name.
seul co-in ci-de:	rois être le premier inventeur original et unique (si un nom est mentionné ci-dessous), ou l'un des premiers venteurs originaux (si plusieurs noms sont mentionnés ssous) de l'objet revendiqué, pour lequel une ande de brevet a été déposée concernant l'invention ée	I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.
		GENERATION OF THERMAL AGITATION NOISE ACCORDING TO A PREDETERMINED HISTOGRAM
et dor	nt la description est fournie ci-joint à moins	the specification of which
	ci-joint	is attached hereto.
	a été déposée le	
	sous le numéro de demande des Etats-Unis ou le numéro de demande international PCT	as United States Application Number or PCT International Application Number
	et modifiée le	PCT/EP2004/052368 and was amended on
	(le cas échéant).	(if applicable)
compri revend	clare par le présent acte avoir passé en revue et s le contenu de la description ci-dessus, ications comprises, telles que modifiées par toute cation dont il aura été fait référence ci-dessus.	I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
a la bre	onnais devoir divulguer toute information pertinente evetabilité, comme défini dans le Titre 37, § 1.56 du édéral des réglementations.	I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.
		e dit see the title the second se
		distribution to the fact the fact of the f

French Language Declaration



Priority Claimed

Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, § 119(a)-(d) ou § 365(b) du Code des Etats-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les Etats-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précèdant celle de la demande à propos de laquelle une priorité est revendiquée.

I hereby claim foreign priority under Title 35, United States Code, § 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) Demande(s) de brevet anteneure(s) dans un autre pays. 03 11621 FRANCE (Number) (Country) (Numéro) (Pays) (Number) (Country) (Numéro) (Pays) Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 119(e) du Code des Etats-Unis, de toute demande de brevet provisoire effectuée aux Etats-Unis et figurant cibelow. dessous.

(Filing Date)

(Date de dépôt)

Droit de priorité Revendiqué 03 October 2003 \boxtimes (Day/Month/Year Filed) Yes No (Jour/Mois/Anné de dépôt) Oui Non П (Day/Month/Year Filed) Yes No (Jour/Mois/Annè de dépôt) Oui Non I hereby claim the benefit under Title 35, United States Code. §119(e) of any United States provisional application(s) listed

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 120 du Code des Etats-Unis, de toute demande de brevet effectuée aux Etats-Unis, ou en vertu du Titre 35, § 365(c) du même Code, de toute demande internationale PCT désignant les Etats-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou Internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, § 112 du Code des Etats-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations, dont j'ai pu disposer entre la date de dépôt de la demande antérieure et la date de dépôt de la demande ou internationale PCT de la présente demande:

(Application No.)

(Nº de demande)

g 119(e) of any United States provisional application(s) lister below.

PCT/EP2004/052368

(Application No.)
(Nº de demande)

(Application No.)
(Application No.)
(Application No.)
(Nº de demande)

(Application No.)
(Nº de demande)

(Date de dépôt)

(Application No.) (Filing Date) (Nº de demande) (Date de dépôt)

I hereby clalm the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Je déclare par le présent acte que toute déclaration ci-incluse est, à ma connaissance, véridique et que toute déclaration formulée à partir de renseignements ou de suppositions est tenue pour véridique; et de plus, que toutes ces déclarations ont été formulées en sachant que toute fausse déclaration volontaire ou son équivalent est passible d'une amende ou d' une incarcération, ou des deux, en vertu de la § 1001 du Titre 18 du Code des Etats-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

(Status: Patented, Pending, Abandoned) (Statut: breveté, en cours d'examen, abandonné)

(Status: Patented, Pending, Abandoned) (Statut: breveté, en cours d'examen, abandonné)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

French Language Declaration



'	-rench Langt	lage Declaration	
Nom complet de l'unique ou premier inventeur		Full name of first inventor HODE Jean-Michel	
Signature de l'inventeur	Date	Inventor's signature Jean Jidel Hod'2 1	Date MARS 2006
Domicile		Residence 92210 SAINT-CLOUD - FRANCE	
Nationalité		Citizenship French	· · · · · · · · · · · · · · · · · · ·
Adresse Postale		Mailing Address 3 Rue Pasteur – B3 3 Résidence « "Les Boucles de la Seine » 92210 SAINT-CLOUD, FRANCE	
Nom complet du second co-inventeur, le	cas échéant	Full name of second joint inventor, If any	
Signature de l'inventeur	Datum	Second inventor's signature	Date
Domicile		Residence	
Nationalité		Citizenship	
Adresse Postale		Mailing Address	
Nom complet du troisième co-inventeur, l	e cas échéant	Full name of third joint inventor, if any	
Signature de l'inventeur	Date	Inventor's signature	Date
Domicile		Residence	
Nationalité		Citizenship	
Adresse Postale		Mailing Address	
Nom complet du quatrième co-inventeur, l	e cas échéant	Full name of fourth joint inventor, If any	
Signature de l'inventeur	Date	inventor's signature	Date
Domicile		Residence	
Vationalité		Citizenship	
dresse Postale		Mailing Address	

(Fournir les mêmes renseignements et la signature du troisième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for fifth and subsequent joint inventors.)